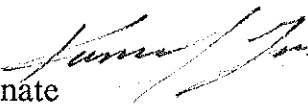




MEMORANDUM

TO: President Edward T. Foote II

FROM: Kamal Yacoub 
Chair, Faculty Senate

DATE: April 20, 1994

SUBJECT: Faculty Senate Legislation #93006(B) -
Policy on Nondiscrimination

The Faculty Senate, at its meeting on February 21, voted to approve Faculty Senate Legislation #93006(B) - Policy on Nondiscrimination. The text of the policy is as follows:

"Consonant with present University policy as outlined in the minutes of the Faculty Senate of February 21, 1994, the Faculty Senate resolved that it is the policy of the University of Miami that no citizen of the United States or any other person within the jurisdiction thereof shall, on the grounds of race, creed, color, gender, age, disability, sexual orientation, veteran's status, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of the University."

The following was read into the Faculty Senate's minutes of February 21:

"It is the sense of the Faculty Senate that the following interpretation presently governs University policy concerning nondiscrimination:

"The University does not discriminate in its programs and activities on any of the bases set forth in its nondiscrimination policy. It does not intend by this commitment to require the University to enforce compliance by governmental or external agencies that associate with but are not controlled by the University, or necessarily to extend insurance and similar benefits beyond those now protected by other policies of the University."

This legislation is now forwarded to you for your action.

KY/b

cc: Provost Luis Glaser

CAPSULE: Faculty Senate Legislation #93006(B) -
Policy on Nondiscrimination

RESPONSE BY THE PRESIDENT:

DATE: _____

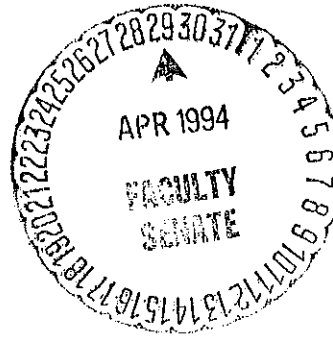
APPROVED: _____

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: _____

EFFECTIVE DATE OF LEGISLATION: _____

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____



Edward T. Foote II
President

MEMORANDUM

April 27, 1994

TO: Kamal Yacoub

FROM: Edward T. Foote II

ETF

As you know, I do not approve Faculty Senate Legislation #93006(B) - Policy on Nondiscrimination.

My reason, as I have tried many times to explain, is that University policy should be clearly published. Referring to minutes of the Faculty Senate does not fairly put members of the University community on notice of what the policy is. In fact, the policy allows some differentiation among people by outside agencies. We should say so, and not duck it.

Frankly, I thought we had resolved this matter months ago. Indeed, I believe we did have at least a tentative agreement between Senate negotiators and the administration.

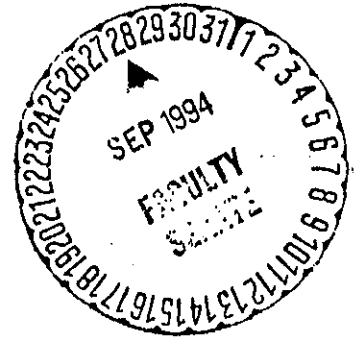
This should not be so complicated. Please, let us resolve this matter over the summer in time for publication in the fall.

Thanks.

ETF:LLS

cc/enc: Luis Glaser
Lourdes F. La Paz

P.O. Box 248006
Coral Gables, Florida 33124-4600
305-284-5155
Fax: 305-284-3768



MEMORANDUM

TO: President Edward T. Foote II
FROM: Dr. Kamal Yacoub, Chair, Faculty Senate
DATE: September 13, 1994
SUBJECT: Faculty Senate Legislation #94001(B) - University of Miami's Nondiscrimination Policy

The Faculty Senate, at its meeting of August 29, 1994, voted to approve Faculty Senate Legislation #94001(B) - University of Miami's Nondiscrimination Policy. The text of the legislation follows:

The University of Miami does not discriminate against any individual on the basis of race, creed, color, sex, age, disability, sexual orientation, veteran's status, or national origin. The University does not intend by this commitment to require compliance with this policy by governmental or external organizations that associate with but are not controlled by the University, or to extend insurance or similar benefits beyond those now provided by other policies of the University, except as required by law.

This legislation is now forwarded to your for your action.

Handwritten notes: 9/27/94, Kamal, Thanks, 277

KY/b

cc: Provost Luis Glaser

CAPSULE: Faculty Senate Legislation #94001(B) -
University of Miami's Nondiscrimination Policy

RESPONSE BY THE PRESIDENT:

DATE: 9/27/94

APPROVED: Yes

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: Provost

EFFECTIVE DATE OF LEGISLATION: _____

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____



MEMORANDUM

TO: President Edward T. Foote II

FROM: Kamal Yacoub *Kamal Yacoub*
Chair, Faculty Senate

DATE: June 27, 1994

SUBJECT: Nondiscrimination Policy

It is my understanding that the Provost and Professor Oxman have agreed to the attached statement with regard to the University of Miami's Nondiscrimination Policy. From earlier debates in the Faculty Senate, the Senate leadership believes that this language would be acceptable to the Faculty Senate. If this is also acceptable to you, then it is proposed that we consider this language as the University's interim policy between now and the first regular meeting of the Faculty Senate. At that time we will ask for official concurrence of the Senate before sending it to you in legislative form. Thank you for your cooperation.

KY/s

Attachment

cc: Provost Luis Glaser
Professor John Knoblock
Professor Bernard Oxman

c:\wp\miscella\nondiscr.dra

Proposed Language for the

UNIVERSITY OF MIAMI'S NONDISCRIMINATION POLICY

The University of Miami does not discriminate against any individual on the basis of race, creed, color, sex, age, disability, sexual orientation, veteran's status, or national origin.**

** The University does not intend by this commitment to require compliance with this policy by governmental or external organizations that associate with but are not controlled by the University, or to extend insurance or similar benefits beyond those now provided by other policies of the University, except as required by law.



Office of Vice President and General Counsel

Paul T. Dee
Cynthia L. Augustyn
Lourdes F. La Paz
Shelley Niceley Groff
Patricia A. Peoples
Leyda Benitez-Herrmann
Elsie Romero

TELEFACSIMILE
Cover Page

To: Kamal Yacoub

Fax No: 8-5515

From: LOURDES F. LA PAZ, ESQ.

Date: 6-13-94

Pages Transmitted (including cover sheet): 2

Message:

If there is a problem with this telefacsimile, please contact LESLIE at 284-2700

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P.O. Box 248052
Coral Gables, Florida 33124-2425
305-284-2700
Fax: 305-284-5063

Medical School Office:
1122 RMSB, R-79
P.O. Box 016960
Miami, Florida 33101
305-547-5500
Fax: 305-547-3300

Reply to Coral Gables Office

**SEXUAL ORIENTATION
NONDISCRIMINATION POLICY**

Option A

The University of Miami does not discriminate on the basis of race, age, color, religion, sex, sexual orientation, national origin, or veteran's status. The University's policy on sexual orientation discrimination does not limit or affect freedom of religious association, does not require adherence to the policy by government agencies or external organizations that associate with but are not controlled by the University, and does not extend benefits beyond those provided under other policies of the University.

Option B

The University of Miami does not discriminate on the basis of race, age, color, religion, sex, national origin, or veteran's status. In addition, the University of Miami does not discriminate on the basis of sexual orientation in its programs and activities, except that the University does not limit freedom of religious association, does not require adherence to this principle by government agencies or external organizations that associate with but are not controlled by the University, and does not extend benefits beyond those provided under other policies of the University.

1/21/94

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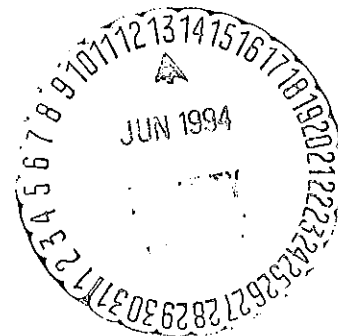
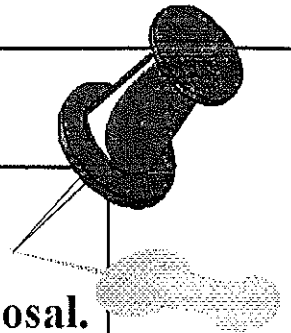
Fax Cover Page

SUBJECT:

Dr. Yacoub,

For your information re Senate nondiscrimination proposal. As you know, Leonard drafted me into the process of trying to get a solution. I will keep you and John Knoblock informed as we proceed. The May 9 text referred to in the letter was prepared by Lourdes and me, and forwarded by her to the President for review. I do not believe the counter-proposal solves the problem, and have so informed the Provost, emphasizing that the concessions already made in the Senate text could well be reopened if there is renewed public debate in the fall. Please feel free to pass a copy of this to John.

Bernard H. Oxman



To: Dr Kamal Yacoub

From : Bernard H. Oxman

For Information Call: 305 284 2293

At: University of Miami School of Law

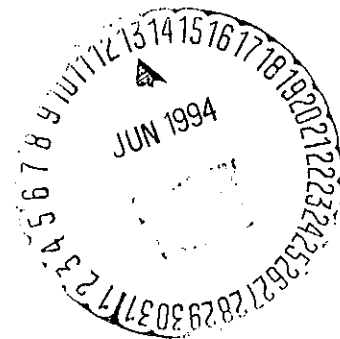
Pages: 2

My Fax Number : 305 284 2349

University of Miami
School of Law

MEMORANDUM

June 9, 1994



To: Lourdes La Paz, Esq.
From: Bernard H. Oxman
Subj: Nondiscrimination Policy

Thank you for sending me the texts you propose to discuss at our meeting on Monday. I thought I might share some reactions with you in order to expedite the process.

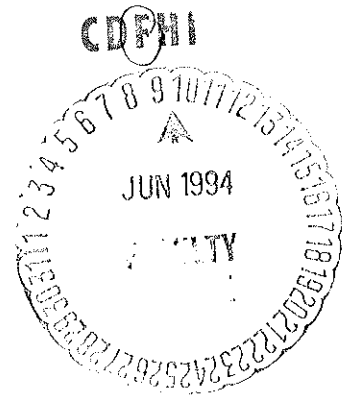
It remains my view that it would be in the best interests of the University to resolve this matter quickly and quietly over the summer. Since it would be difficult to convene the Senate during the summer to reconsider its previous proposal, I worked with you to find a solution that could fairly be presented as consistent with the Senate's existing recommendation, thus (assuming the concurrence of the Senate leadership) obviating the need to return to the Senate. I think this would be possible with respect to the text that was forwarded for review on May 9, and I was prepared to make such a recommendation to the Senate leadership.

In my view one could not in good faith take such a position with respect to the texts faxed to me today. In other words, quite apart from the merits, in my opinion those texts would require consideration by the full Senate.

While some of the problems are more cosmetic than substantive, in this field general impressions are important. The texts faxed to me today give the appearance of being more concerned with authorizing discrimination than discouraging it.

I urge that we return to the Senate's proposal, or the May 9 attempt at refinement, as the basis of our work.

SEXUAL ORIENTATION
NONDISCRIMINATION POLICY



Option A

The University of Miami does not discriminate on the basis of race, age, color, religion, sex, sexual orientation, national origin, or veteran's status. The University's policy on sexual orientation discrimination does not limit or affect freedom of religious association, does not require adherence to the policy by government agencies or external organizations that associate with but are not controlled by the University, and does not extend benefits beyond those provided under other policies of the University.

Option B

The University of Miami does not discriminate on the basis of race, age, color, religion, sex, national origin, or veteran's status. In addition, the University of Miami does not discriminate on the basis of sexual orientation in its programs and activities, except that the University does not limit freedom of religious association, does not require adherence to this principle by government agencies or external organizations that associate with but are not controlled by the University, and does not extend benefits beyond those provided under other policies of the University.

1/21/94

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Faculty Senate Meeting

February 21, 1994

Call to Order

The meeting was opened at 3:00 p.m. by Professor Yacoub. He announced that the President would not be available for today's meeting and that the Provost would join the meeting at 4:00 p.m. The minutes of January 24 were approved as submitted. Excused absences were approved for Professors Hochstim, Lopez-Gottardi, McCoy, Nielsen and Oldham.

Distinguished Faculty Scholar Award Selection Committee Report

The Chair introduced Professor Ralph Millard, Chair of the Distinguished Faculty Scholar Award Selection Committee and the 1991 recipient of the award, to present the Committee's recommendation. Professor Millard reported that five finalists were chosen and from those Professor David S. Howell, Professor of Medicine and Chief of the Arthritis Division in the Department of Medicine, is the Committee's recommendation for the 1994 award. The Faculty Senate received and accepted the recommendation by acclamation.

African-American Studies Proposal (first reading)

Professor Yacoub distributed the Senate Review Committee's report recommending the proposal for an African-American Studies major as a second major in the College of Arts and Sciences. Several questions were raised regarding the Caribbean portion of the proposal, the deficiency of courses related to Africa and the lack of faculty whose primary interest is Africa. It was suggested that Dean Murfin's letter of transmittal should be clarified with regard to the proposal being available only as a second major. It was agreed that the proposal should be refined by the committee, and be placed on the agenda of the March 21 Senate meeting for a second reading.

Non-discrimination Policy

Professor Carrier summarized the progress of discussions on the Non-discrimination Policy for the University. Following discussion, it was *moved* and seconded to amend the opening statement by beginning with "Consonant with present...". The *motion carried unanimously*. The Chair then read into the minutes the following: "It is the sense of the Faculty Senate

that the following interpretation presently governs University policy concerning non-discrimination: The University does not discriminate in its programs and activities on any of the bases set forth in its non-discrimination policy. It does not intend by this to require the University to enforce compliance by governmental or external agencies that associate with but are not controlled by the University, or necessarily to extend insurance and similar benefits beyond those now protected by other policies of the University."

Academic Standards Committee Report

Professor Carrier presented a report from the Academic Standards Committee recommending policy changes which would eliminate students graduating with the "NG" symbol on their transcripts due to the failure of an instructor to give a proper grade. An "NG" not replaced by a passing grade within one calendar year, or by a "W", prior to the student's graduation shall be changed to an "E" by action of the student's Academic Dean. Following discussion, the *motion carried*.

Faculty Senate Retreat

A report from the Faculty Senate Retreat Agenda Committee was given by Professor Margaret Crosbie-Burnett, Chair. She reviewed the proposed process and goals for the retreat. The topic of the retreat will be: "A Quality Undergraduate Education at UM: Problems and Opportunities". Discussion topics will include improving the quality of incoming students, of teaching, of the Honors Program, advising, and faculty life.

Dr. Harold Hodgkinson's Visit

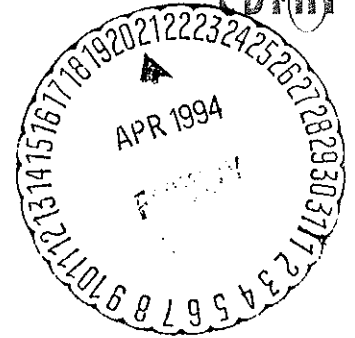
An invitation was issued to the Senate by Professor Masterson, on behalf of Professor Ullmann, to attend an address by Dr. Harold Hodgkinson, a nationally recognized demographer specializing in the changing nature of the student body of universities in the future. Dr. Hodgkinson will be visiting the campus on Wednesday, March 2.

Library Report

Professor Gregory Bush, Chair of the Senate Library Committee, summarized the Committee's report and emphasized some of the areas the Committee feels need to be addressed. Dr. Yacoub suggested that a sub-committee consisting of three former members of the Library Committee be appointed, to clarify and redefine the mission of the committee, as well as the method of appointment to the committee. He also suggested that the Director of the Library be an ex-officio member of the Library Committee. Mr.

FS 13006(B)

DFM



Edward T. Foote II
President

M E M O R A N D U M

April 20, 1994

>

TO: Adam J. August

FROM: Edward T. Foote II

Concerning your inquiry about the "Sexual Orientation Clause," the debate between representatives of the Faculty Senate and the administration continues. The resolution has become more complicated than most of us anticipated.

There is no problem concerning the University's policies as they directly affect students. The University does not discriminate on the basis of sexual orientation. The problem is in the policies of other organizations with which the University has agreements, such as the armed forces.

I hope we will find an answer soon. Thanks for your continuing interest.

ETF:LLS
cc: William R. Butler
cc/enc: Luis Glaser
Kamal Yacoub✓



MEMORANDUM

April 18, 1994

To: Edward T. Foote II
President, University of Miami

From: Adam August *AA*
President, Student Government

Subject: Sexual Orientation Clause

Recently, MTV did their "Sex in the Nineties" show featuring gay, lesbian and bisexual people of different ages. They had interviewed several members of the UM Gay, Lesbian and Bisexual Community members on campus who gave comment on their feelings and challenges they faced. The show was received extremely favorably amongst the group and the University community.

During our February 10, 1994 meeting, I had asked you about the issue of the "sexual orientation" clause and its incorporation into the University anti-discrimination policy. You said that it was under much debate nationally but felt that it would be passed through the University Board of Trustees by the end of the spring 1994 semester. With the semester winding down and hearing no reports, I have been asked by several students as to the status of the issue. If you could please inform me as to where in the process the issue lies and your opinion on its fate, I would be greatly appreciative as I can relay that information to the students.

If you have any questions concerning the matter, please feel free to contact me at any time so that they can be resolved. Thank you for your time and information on this matter.

enc.: February 11, 1994 memo follow-up

cc: Dr. William R. Butler, Vice President for Student Affairs
Dr. Patricia Whitely, Director of Student Life

Offices of Student Government
P.O. Box 248182
Whitten University Center, Room 240
Coral Gables, Florida 33124-6926
305-284-3082





MEMORANDUM

February 11, 1994

To: Edward T. Foote, President
From: Adam August, Student Government President *AK*
Re: February 10th meeting

Once again, I would like to thank you for taking the time to meet with me yesterday, concerning the Student Government agenda. I wanted to briefly recap some of the things about which we spoke.

1. Sexual orientation clause: I realize that this is under debate nationally, and I appreciate that you have consulted Legal Counsel and are prepared to incorporate the sexual orientation clause into the anti-discrimination policy, with certain stipulations regarding outside organizations, beyond the University control. I look forward to hearing more about this topic in the future.
2. Upon my arrival in Tallahassee this Tuesday, I will be meeting with Bob Kauzlarich regarding any possible ways that Student Government can help him to lobby the state government. I will be following his advise regarding the service fees, to see whether or not students can help in that lobbying effort. I also appreciate your insight as far as joining the National Coalition for Student Empowerment, and your experience that local politics has been more effective.
3. I appreciate you taking into consideration a student's perception that there needs to be a balance within the University, between Student Affairs and Business Affairs. Once again, I feel that the decision on the Rathskeller was the right one, and realize that certain responsibilities come with that decision. We are going to work hard to insure that it is maintained as a student social center, as is stated in the original statement of purpose.
4. Miscellaneous Items: Thank you for agreeing to help the President's 100 program. I know that you will speak with Ed Gillis, as you had mentioned, in possible ways to do so.

As elections near, I look forward to another great year working with you and the administration. Once again, thank you for taking the time to meet with me. I look forward to seeing you soon.

cc: Dr. William Butler, Vice President for Student Affairs
Dr. Patricia Whitely, Director of Student Life

Offices of Student Government
P.O. Box 248182
Whitten University Center, Room 240
Coral Gables, Florida 33124-6926
305-284-3082

Annual Report of the Faculty Senate Library Committee

The Library Report was deferred to the February 21 Faculty Senate meeting for discussion with Professor Gregory Bush, Chair of the Library Committee, and Mr. Frank Rodgers, Director of the Libraries.

Proposed Revision to Faculty Senate Legislation #87028(B)

Professor Yacoub distributed a proposed revision to Faculty Senate Legislation #87028 which was approved by the Senate last spring. He informed the Senate that a vote on the proposal would not be held until the February Senate meeting. Professor Clasby reviewed the proposed changes to the legislation. It was *moved* and seconded to defer further discussion to the February Senate meeting. The *motion carried*.

Progress Report on Non-discrimination

Professor Carrier summarized the progress being made on the University's Non-discrimination policy. The President stated that agreement has been reached on the principle that sexual preference will be added to the list of human characteristics about which the University is not allowed to discriminate. However, agencies which have a University association but are beyond the control of the University, an exception will be made. Professor Yacoub suggested that once a policy has been agreed upon by the administration and the Senate representatives, it will be forwarded to the Senators to allow time for discussion with their constituencies. Professor Green reminded the Senate that the General Counsel's office offered to provide the Senate with a list of institutions, their policies on sexual harassment, and specific wordings where there is some partial exclusion or caveat. Professor Oxman urged that an official internal interpretation of policy be made by the administration.

Progress Report on Misconduct in Research

Professor Warren reported on the progress of the University's policy on Misconduct in Research. He stated that the issue of misconduct, and how broadly it should apply, has tentatively been decided. The issue of process, dealing with the committee structure, remains to be resolved. The Research Council has recently joined the discussion and will contribute to the final outcome. Professor Warren outlined the timetable for having material ready for distribution to the Senate.



Paul T. Dee
Cynthia L. Augustyn
Lourdes F. La Paz
Shelley Niceley Groff
Patricia A. Peoples
Leyda Benitez-Herrmann
Elsie Romero

Office of Vice President and General Counsel

TELEFACSIMILE
Cover Page

To: John Knoblock

Fax No: 5515
8-4959

From: LOURDES F. LA PAZ, ESQ.

Date: 1-19-94

Pages Transmitted (including cover sheet): 2

Message:

*Please review and advise me of your
thoughts today or tomorrow.*

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P.O. Box 248052
Coral Gables, Florida 33124-2425
305-284-2700
Fax: 305-284-5063

Medical School Office
1122 RMSB, R-79
P.O. Box 016960
Miami, Florida 33101
305-547-5500
Fax: 305-547-3500

Reply to Coral Gables Office

DRAFT**NONDISCRIMINATION POLICY
SEXUAL ORIENTATION**

The University of Miami does not discriminate on the basis of race, age, color, religion, sex, handicap, sexual orientation, and national origin. In affirming its commitment to this principle, the University does not intend this policy to limit freedom of religious association, does not require the adherence to this principle by government agencies or external organizations that associate with but are not controlled by the University, and does not extend benefits beyond those provided under other policies of the University.

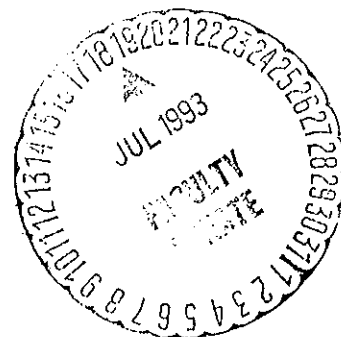
1/19/94

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FAXED 7-28-93

f
to WJW



MEMORANDUM

To: President Edward T. Foote, II
From: William J. Whelan *WJW/wh*
Chair, Faculty Senate
Subject: Senate Legislation #92010 (B)
Non-discrimination Policy
Date: July 14, 1993

I refer to the meeting that I, Kamal Yacoub and Luis Glaser held with you on June 30, in part to discuss pending Senate Legislation.

The proposed policy on non-discrimination was sent to you on February 2, 1993 but still awaits your decision. We noted your undertaking to study the problems that you see in implementing the legislation as presently written and to come back to the Senate in the fall with your views.

WJW/ca

cc: Provost Luis Glaser
Vice President Paul Dee
Professor John Knoblock
Professor Kamal Yacoub

7/21
Bill, Jim planning on
Ranko.
WJW

